

**AGENDA  
CITY OF THE COLONY  
PLANNING AND ZONING COMMISSION  
APRIL 14, 2015**

After determining that a quorum is present, the Planning and Zoning Commission of the City of The Colony, Texas will convene into regular session which will be held on Tuesday, April 14, 2015 at 6:30 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items will be addressed:

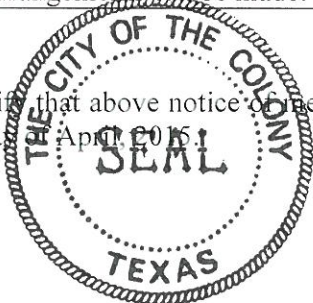
<b>1.0</b>	<b>CALL REGULAR SESSION TO ORDER</b>
<b>1.1</b>	Citizen Input
<b>2.0</b>	<b>CONSENT AGENDA</b>
<b>2.1</b>	Consider approval of the minutes of the March 24, 2015 Regular Session.
<b>3.0</b>	<b>PUBLIC HEARING ITEMS</b>
<b>3.1</b>	<b><i>SI14-0018, Vehicle Rental Uses</i></b> Conduct a public hearing, discuss and consider making a recommendation to City Council regarding amendments to Appendix A the Zoning Ordinance, Section 10-100, Schedule of Uses by District, and Section 10-300, Definitions and Explanations Applicable to the Use Schedule, and by adding a new use entitled "Vehicle Rentals" to establish regulations for this new land use.
<b>3.2</b>	<b><i>SI14-0019, Zoning Ordinance Text Amendments</i></b> Conduct a public hearing, discuss and consider making a recommendation to City Council regarding a text amendment for revisions to Section 13-100, "Off-Street Parking Schedule" to revise the required parking ratios for certain land uses.
<b>3.3</b>	<b><i>SUP15-0002, Service King SUP</i></b> Conduct a public hearing, discuss and consider making a recommendation to City Council on a request for Specific Use Permit to allow for a Service King, an automobile body shop located on Memorial Drive, west of Budget Suites, north of existing Firestone. The property is zoned Business Park (BP) and is part of Lot 1, Block A, East Oak Wood Village subdivision.
<b>3.4</b>	<b><i>SUP15-0004, Allegiance Tattoo Parlor</i></b> Conduct a public hearing, discuss and consider making a recommendation to City Council regarding the approval of a Specific Use Permit (SUP) to allow a tattoo parlor as a primary use, Allegiance Tattoos, located at 4716 E. Lake Highlands Drive, Suite 110, within a Light Commercial (LC) zoning district.

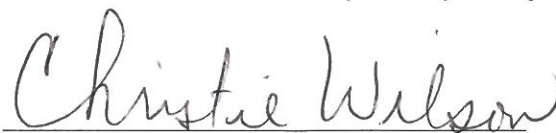
"Pursuant to the Texas Open Meetings Act, Government Code Chapter 551, one or more of the above items may be considered in executive session closed to the public. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session".

Persons with disabilities who plan to attend this meeting who may need auxiliary aids such as interpreters for persons who are deaf or hearing impaired, readers or, large print are requested to contact Christie Wilson, City Secretary, at 972-624-3106 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

**CERTIFICATION**

I hereby certify that above notice of meeting was posted outside the front door of City Hall by 5:00 p.m. on the 10<sup>th</sup> day of April, 2015.



  
Christie Wilson, City Secretary

**MINUTES  
CITY OF THE COLONY  
PLANNING AND ZONING COMMISSION  
MARCH 24, 2015**

Item #2.1

After determining that a quorum was present, the Planning and Zoning Commission of the City of The Colony, Texas convened into Regular Session which was held on Tuesday, February 24, 2014 at 6:30 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

**Board Members Present:** Karen Hames, Chairman; Cody Hall, Vice Chairman; Cesar Molina, Jr.; Detrick DeBurr; Brian Buffington; Janece Pool and Shannon Hebb.

**Board Members Absent:** None.

**Staff Present:** Gordon Scruggs, Engineering Director; Edwin Voss, City Attorney; and Brian Mcnuelty, Technical Assistant.

<b>1.0</b>	<b>CALL REGULAR SESSION TO ORDER</b>
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Chairman Hames called the meeting to order at 6:30 PM.

<b>1.1</b>	<b>CITIZEN INPUT</b>
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No citizens came forward during Citizen Input.

<b>2.0</b>	<b>CONSENT AGENDA</b>
<b>2.1</b>	Consider approval of the minutes of the February 24, 2015 Regular Session.
<b>2.2</b>	<b>PP15-0001, The Hudson at Parks of Austin Ranch Addition, Lots 1-5, Block D</b> Consider approval of a Preliminary Plat of Lots 1-5, Block D of The Hudson at Parks of Austin Ranch Addition, being a 46.2 acre tract of land in the D. Andrews Survey, Abstract No.18 and the S.B. Evans Survey, Abstract No. 397, located on the south side of Windhaven Parkway.
<b>2.3</b>	<b>FP14-0022, Village at 121, Phase 2 Amended Final Plat</b> Consider approval for an amended Final Plat for Lot 5, Block A, a 30,336 square foot retail/restaurant center called Village at 121, Phase 2, on approximately 2.53 acres, located on the north side of the Sam Rayburn Tollway (S.H. 121) and approximately 500 feet east of South Colony Boulevard.

Chairman Hames read the Consent Agenda item into the record.

**Commissioner Hall moved to approve Item 2.1, 2.2, and 2.3. Commissioner Hebb seconded the motion. Motion carried (7-0).**

<b>3.0</b>	<b>DISCUSSION ITEMS</b>
<b>3.1</b>	<b>SP14-0025, Village at 121, Phase 2 Amended Site Plan</b> Discuss and consider making a recommendation to City Council on an application for an amended Site Plan for Lot 5, Block A, a 30,336 square foot retail/restaurant center called Village at 121, Phase 2, on approximately 2.53 acres, located on the north side of the Sam Rayburn Tollway (S.H. 121) and approximately 500 feet east of South Colony Boulevard.

Ms. Sen presented the staff report.

Commissioner Molina asked if the dedicated turn lane has been approved by TxDOT or NTTA.

Mr. Scruggs stated that the dedicated turn lane approval is in the process. Staff is confident that it will be approved.

Since there were no further questions from the Commission, Chairman Hames called for a motion.

**Commissioner Molina moved to approve Item 3.1. Commissioner Pool seconded the motion. Motion carried (7-0).**

<b>3.2</b>	<b><i>SP15-0002, Rock and Brews Site Plan</i></b> Discuss and consider making a recommendation to City Council on a request for approval of a Site Plan for Lot 2, Block B, an 8,950 square foot restaurant called Rock and Brews, on approximately 1.90 acres, located on the northwest corner of SEC of Nebraska Furniture Mart and Bargain Way.
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Ms. Sen presented the staff report.

Since there were no questions from the Commission, Chairman Hames called for a motion.

**Commissioner Hall moved to approve Item 3.2. Commissioner Hebb seconded the motion. Motion carried (7-0).**

There being no further business to come before the Commission, Chairman Hames adjourned the Regular Session of the Planning and Zoning Commission at 6:39 PM.

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Karen Hames, Chairman

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Surupa Sen, Senior Planner

## PLANNING AND ZONING COMMISSION REPORT

**AGENDA DATE:** April 14, 2015

**DEPARTMENT:** Engineering/Development Services Department

**PLANNER:** Surupa Sen, Senior Planner, 972-624-3164

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### **SUBJECT SI14-0018, Vehicle Rental Uses**

Conduct a public hearing, discuss and consider making a recommendation to City Council regarding amendments to Appendix A the Zoning Ordinance, Section 10-100, Schedule of Uses by District, and Section 10-300, Definitions and Explanations Applicable to the Use Schedule, and by adding a new Section, Section 10-2500, entitled “Vehicle Rentals” to establish regulations for this new land use.

### **BACKGROUND**

Addition of “Vehicle Rental” uses is requested by prospective developers who would like to open businesses like Hertz or enterprise Rent-A-Car etc. Staff would also like to review and add regulations for vehicle rental uses based on certain existing businesses doing vehicle rental currently as a secondary use like Home Depot. This will allow the City to regulate vehicle rentals as a primary or secondary use.

### **REGULATIONS AND RESULTS IN ADJACENT CITIES**

Plano allows automobile leasing/renting with a Specific Use Permit (SUP) in Retail, Central Business and Regional Commercial zoning districts. Frisco, Denton, Carrollton, Lewisville does not regulate vehicle rental as a separate land use. Lewisville and McKinney has Auto/Boat sales/leasing (new) as a permitted land use in certain high intensity zoning districts. In staff’s opinion, however, auto/boat sales/lease (new) is not the same land use as vehicle rental.

### **DEFINITION**

Vehicle Rental - Storage, leasing, or renting of automobiles, motorcycles, and light load vehicles.

### **RECOMMENDATION**

After thorough investigation and review, staff makes the following recommendations for Vehicle Rental Uses:

The following chart shows the staff recommendation (P = Permitted; SUP = Permitted by Specific Use Permit only; blank = not allowed):

<i>Proposed Use</i>	<i>Zoning Districts</i>						
	<i>NS</i>	<i>SC</i>	<i>GR</i>	<i>LC</i>	<i>HC</i>	<i>I</i>	<i>PD</i>
Vehicle Rental			P	SUP	SUP	SUP	SUP
Vehicle Rental (secondary use)				SUP	SUP	SUP	SUP

Staff also proposes to add the definition “Vehicle Rental - Storage, leasing, or renting of automobiles, motorcycles, and light load vehicles” in the Definitions section of the Zoning Ordinance.

**OPTIONS**

1. Approve.
2. Approve with modifications or stipulations.
3. Postpone consideration.
4. Table item.
5. Deny item.

## PLANNING AND ZONING COMMISSION REPORT

**AGENDA DATE:** April 14, 2015

**DEPARTMENT:** Engineering/Development Services Department

**PLANNER:** Surupa Sen, Senior Planner, 972-624-3164

**SUBJECT *SI14-0019, Zoning Ordinance Text Amendments***

Conduct a public hearing, discuss and consider making a recommendation to City Council on a text amendment for revisions to Zoning Ordinance – Section 13: Vehicular Parking, Parking Lot and On-Site Traffic Regulations, Table 13-100 - Off Street Parking Schedule to revise the required parking ratios for certain land uses.

Staff is requesting a change in the parking ratios for certain restaurants listed in Table 13-100 “Off-Street Parking Schedule.” Staff also looked at other land use categories and analyzed if any parking ratio needs updating. The table below shows the current parking ratios for restaurants, taken from Table 13-100, adopted by City Council on May 7, 2014:

Current Parking Ratios		
<i>Use Category</i>	<i>Specific Uses (ITE Land Use Number)</i>	<i>Minimum Number of Spaces</i>
Restaurants	Coffee/Donut shop with drive-thru window (937)	8.4 spaces per 1,000 SF of GFA
Restaurants	Restaurant, Sit Down/ Quality (1 hour or longer turnover)(931)	<del>20.2 spaces per 1,000 SF of GFA</del> 1 space per 100 SF of GFA
Restaurants	Restaurant, Sit Down/High Turnover (1 hour or less) (932)	<del>14.3 spaces per 1,000 SF of GFA</del> 1 space per 100 SF of GFA
Restaurants	Restaurants, Drive-Up	5.0 spaces in addition to service bays
Restaurants	Restaurants, Limited Service/Fast Food with drive-thru (934)	1.0 space per 150 SF of GFA with a 4 space minimum + required stacking spaces

**STAFF ANALYSIS**

Staff conducted research on other neighboring cities’ parking regulations for restaurant uses. In order to compare “apples-to-apples,” staff calculated the required parking for a typical 4,000 square foot restaurant. The following chart illustrates the findings.

Parking Ratio Comparison			
<i>City</i>	<i>Type of Restaurant</i>	<i>Parking Ratio</i>	<i>Parking required for a typical 4,000 square foot restaurant</i>
The Colony	Proposed ratio	1 space per 100 SF	40 spaces
	Sit down/low turnover	20.2 spaces per 1,000 SF	81 spaces (HIGH)
	Sit down/high turnover	14.3 spaces per 1,000 SF	58 spaces
Plano	All restaurants	1 space per 100 SF	40 spaces

Denton	All restaurants	1 space per 100 SF	40 spaces
Frisco	Restaurants, stand alone	1 space per 100 SF	40 spaces
	Restaurant within a shopping center	1 space per 200 SF (same as retail)	20 spaces (LOW)
	Restaurant with club	1 space per 175 SF	23 spaces
Carrollton	Full Service	1 space per 125 SF	32 spaces
	Limited Service	1 space per 150 SF	28 spaces
McKinney	All restaurants	1 space per 150 SF	28 spaces
Lewisville	All restaurants w/o bars	1.5 space per 100 SF	60 spaces
	All restaurants with bars (assumes bar is 10% of restaurant)	1 space per 100 SF + 1 space per 10 SF in bar	36 (restaurant) + 40 (bar)
			76 total spaces

By eliminating those restaurants with bars or clubs and those restaurants that are within shopping centers, the number of required parking spaces range from a high of 81 spaces (required in The Colony for low-turnover, higher quality restaurants, such as Cheddar's) to a low of 28 parking spaces (in both McKinney and Carrollton). The City of Frisco allows the lowest parking ratio overall for those restaurants within shopping centers at 1 space per 200 square feet or 20 spaces in this scenario, which is equal to the parking ratio for retail uses.

The proposed rate of 1:100 would require 40 parking spaces in the quoted scenario. That would match the cities of Denton, Frisco and Plano and land near the middle of the other cities' requirements.

Staff has heard from many developers that they prefer this standard of parking. The current parking ratio was adapted from the Institute of Transportation Engineers and in staff's opinion, results in an over-parking situation for most restaurants.

Staff has also looked into parking ratios for other land use categories and have following suggested changes.

Use Category	Proposed Ratio
Group Living	No Change
Care Facilities	No Change
Community Services	No Change
Hospital	1 Space per employee on the largest shift + 1.5 spaces per bed.
Religious Institutions	No Change
Schools	High School: 1 space per class room + 1 space for each 3 seats in any auditorium, gymnasium, or other place of assembly.
Recreation Indoor	No Change
Recreation Outdoor	No Change
Vehicle Uses	No Change
Clinic	No Change
Office	No Change
Retail Sales and Services	Convenience Store: 1 per 200 GFA



General Light Industrial	No Change
Manufacturing, Assembly, Fabrication and Internet Retail Distribution	No Change
Material Recycling Center	No Change
Warehouse, Wholesale Sales or Freight Movement	No Change

Staff has reviewed the parking ratio for each of the land use category with neighboring cities. For example in hospital following parking ratios were studied.

<b>Parking Ratio Comparison- Hospital</b>			
<i>City</i>	<i>Specific Use</i>	<i>Parking Ratio</i>	<i>Required Per 100 beds</i>
The Colony	Proposed ratio	1 Space per employee on the largest shift + 1.5 spaces per bed.	150+
	Hospital	4.7 spaces per bed (Current Ratio)	470
Plano	Hospital	1 space for every 2 beds	50
Denton	Hospital	2 spaces per patient bed	200
Frisco	Hospital	1 space per employee on the largest shift + 1 1/2 spaces per each bed	150
Carrollton	Hospital	1 space per bed	100
McKinney	Hospital	1 space per bed	100
Lewisville	Hospital	1 space per bed + additional as required for other categories	100
Little Elm	Hospital	1 space per bed + 1 space per employee on the largest shift	100

To compare the different standards, staff converted the parking requirements into what would be required for a 100 bed hospital. The results show that The Colony parking requirements are highest compared to Frisco, Denton, Carrollton, Lewisville or Little Elm. Plano has the lowest parking requirement for hospitals. Staff would like to recommend revising the Hospital Parking Ratio to 1 Space per employee on the largest shift + 1.5 spaces per bed. This will provide the required additional parking for emergency visitors, medical offices within the hospital and employee parking.

Schools are difficult to compare as they have parking space requirements either by square footage, or by number of students or per classrooms etc. High School ratio for The Colony is 1 space per 2 students. Staff is of the opinion that the ratio should be changed to 1 space per classroom + 1 space for each 3 seats in any auditorium, gymnasium, or other place of assembly. This will capture parking spaces for teachers and also the students.



<b>Parking Ratio Comparison- Schools</b>		
<i>City</i>	<i>Specific Use</i>	<i>Parking Ratio</i>
The Colony	Proposed ratio = High School	1 space per classroom + 1 space for each 3 seats in any auditorium, gymnasium, or other place of assembly
	High School	1 space per 2 students (Current Ratio)
	Community College	4.8 spaces per 1000SF GFA
	College/University	1.2 spaces per 1000SF GFA
	Commercial or Trade School	1 space per 1000SF GFA
	Kindergarten, Elementary & Middle Schools	2 spaces per classroom
Plano	Elementary	1 space per 15 students
	Middle	1 space per 14 students
	9-10 Grades	1 space per 6 students, faculty & staff
	11-12 Grades	1 space per 1.5 students, faculty & staff
Denton	Schools, Elementary & Junior High	1.5 spaces per classroom
	High School	1.5 spaces per classroom + 1 space per 10 students
Frisco	Elementary, Secondary or Middle(public or private)	1 space per 17 students
	High School(public or private)	1 space per 3.3 students
	College/University	1 space per each day student
Carrollton	Elementary or Middle	1 space per 400SQ of classroom area
	High School, College or University	1 space per 45SF of classroom area
McKinney	Elementary	2.5 spaces per classroom + 1 pick-up/drop-off lane consisting of at least 10 stacking spaces
	Junior High or Middle School	2.5 spaces per classroom + 1 space for each 4 seats in auditorium +1 pick-up/drop-off lane consisting of at least 10 stacking spaces
	High School	8 spaces per each classroom + pick-up/drop-off lane consisting of at least 10 stacking spaces
Lewisville	Elementary	1 space per 5 seats in the auditorium
	Secondary	1 space per 3 seats in the auditorium
	College or Adult Education	1 space per 125SF of classroom area plus parking for other use categories
Little Elm	Elementary and Junior High	1 space per classroom + 1 space for each 4 seats in any auditorium, gymnasium, or other place of assembly

	High School, College or University	1 space per classroom + 1 space for each 3 seats accommodated in the institution
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For Convenience store, parking requirements were converted to what would be required for 10,000 sf Gross Floor Area and following illustrates the results:

<b>Parking Ratio Comparison- Retail Sales &amp; Service</b>			
<i>City</i>	<i>Specific Use</i>	<i>Parking Ratio</i>	<i>Parking per 10000 SF</i>
The Colony	Proposed ratio	Convenience store: 1 per 200 GFA	50
	Convenience Store with fuel pumps	13 spaces per 1000SF GFA (Current Ratio)	130
	Retail or Shopping Center	Up to 50,000SF in area-1 space per 200SF, >50,000SF-1 space per 250SF,	50
Denton	Business, General Retail	1 space per 300SF GFA, Furniture & Appliances-1 space per 750SF GFA	33
Frisco	General Retail	1 space per 200SF GFA	50
Carrollton	Retail, multiple use shopping center, grocery store, personal business, or professional service or use	1 space per 250SQ for 0-50,000SQ of total building floor area, 1 space per each 250SQ of floor area. >50,000SQ- 1 space for each 300SQ with max parking of 1 space for each 250SQ	40
McKinney	Convenience Store with or without fuel pumps	1 space per 250SF of floor area with a minimum of 5 spaces.	40
Lewisville	Retail Store or Personal Service	10 spaces per 1000SF for 0-2,499SF, 7.5 spaces per 1000SF for 2,500-9,999SF, 5.5 spaces per 1000SF for 10,000-599,999SF, 5.0 spaces per 1000SF for 600,000SF and over	55
Little Elm	Retail or Personal Service	1 space per 200SF of floor area	50

The Colony current requirement for Convenience store parking would require a 10,000 sf store to have 130 parking spaces which is the highest on this list. The neighboring Cities have numbers varying from 33 to 55 spaces. 1 parking space per 200 sf will bring the parking requirement comparable to what other cities require and what applicants have been requesting.

The rest of the land use categories have parking ratios comparable to neighboring cities and all the parking ratios for The Colony which are based on Institute of Transportation Engineers parking manual.

#### **NOTIFICATION**

Text revisions to ordinances require newspaper notification with a minimum of ten (10) days prior to the Planning and Zoning Commission meeting. The Planning and Zoning legal notice

was published in the *Denton Record* on April 3, 2015. No comments either for or against the proposed revision were received as of the printing of this packet.

**ORDINANCE REVIEW COMMITTEE (ORC)**

ORC met on April 6, 2015 to review and discuss the parking ratio. ORC is in agreement with the suggested changes.

## **PLANNING AND ZONING COMMISSION REPORT**

**AGENDA DATE:** April 14, 2015

**DEPARTMENT:** Engineering/Development Services Department

**PLANNER:** Surupa Sen, Senior Planner, 972-624-3164

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### **SUBJECT *SUP15-0002 Service King Specific Use Permit***

Conduct a public hearing, discuss and consider making a recommendation to City Council on a request for Specific Use Permit to allow for a Service King, an automobile body shop located on Memorial Drive, west of Budget Suites, north of existing Firestone. The property is zoned Business Park (BP) and is part of Lot 1, Block A, East Oak Wood Village subdivision.

### **OWNER/ENGINEER**

Owner/Developer:	Kris Ramji	Irving, Texas
Engineer/Surveyor:	ClayMoore Engineering	Bedford, Texas

### **EXISTING CONDITION OF PROPERTY**

The property is currently undeveloped.

### **PROPOSED DEVELOPMENT**

The applicant is proposing a 22,461 square foot automobile body shop, Service King, on approximately 2.45 acres, located on Memorial Drive north of existing Firestone Tire and Vehicle Service Store.

### **ADJACENT ZONING AND LAND USE**

North - BP, Five Start Sports Complex  
South - BP, Firestone, Goody Goody Liquor  
East - LC and BP, Budget Suites  
West - BP, undeveloped land

### **DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW**

The Development Review Committee (DRC) finds the SUP meets the requirements of the Appendix A, Zoning Ordinance and other applicable ordinances of the Code of Ordinances as outlined in the Staff Report.

### **ATTACHMENTS**

1. Staff Analysis
2. Location Map
3. Proposed Site Plan

## ATTACHMENT 1

### Staff Analysis

#### Summary of Request

The applicant is proposing to construct a 22,461 square foot automobile body shop, Service King, on approximately 2.45 acres, located on Memorial drive north of existing Firestone Tire and Vehicle Service Store.

#### Existing Condition of Property

The subject property is undeveloped.

#### Platting Status

The property is unplatted.

#### Adjacent Zoning/Land Use

North - Business Park (BP), Five Start Sports Complex

South - Business Park (BP), Firestone, Goody Goody Liquor

East - Light Commercial (LC) and Business Park (BP), Assured Storage and Budget Suites

West - Business Park (BP), undeveloped land

#### Land Use Analysis

Zoning Ordinance requires approval of a SUP for Auto Repair Garage (inside) uses in the Business Park (BP) zoning district. The application meets Zoning Ordinance Section 10-905 SUP Approval Criteria.

#### Infrastructure Improvements

No specific public infrastructure improvements are planned for this area.

#### Circulation and Parking

The proposed facility will have direct access off of the Memorial Drive through a driveway. Mutual access easements have been provided to the Firestone site south of the subject property.

The parking ratio for vehicle repair is two (2) spaces per service bay and one (1) per employee. The parking provided meets the specific requirements of Section 13, Vehicular Parking, Parking Lot, and On-Site Traffic Regulations of Zoning Ordinance.

Parking Standard	Parking Required	Parking Provided
Parking calculation for Service King: two (2) spaces per service pay and one (1) per employee	100 spaces (4 ADA)	131 spaces (5 ADA)

#### Landscaping and Irrigation

The applicant is proposing landscaping made up of a combination of Bald Cypress, Shumard Oak, Lacebark Elm and Crape Myrtles to meet the requirements of the Gateway Overlay and Zoning Ordinance. 10% of gross vehicular area has been landscaped as required. One large canopy tree and 40 linear feet has been provided along with two ornamental trees every 50 linear feet.

Perimeter landscaping has been provided and vehicular use areas have been screened from public right-of-way by use of landscaping.

#### Notification

The Zoning Ordinance requires newspaper notification a minimum of ten (10) days prior to the Planning and Zoning Commission meeting. Notice for this SUP Public Hearing was published in *The Denton Record* on April 3, 2015. In addition, Zoning Ordinance also requires notification of property owners located within 200 feet of the subject property a minimum of ten (10) days prior to the public hearing. Postcards were mailed on March 27, 2015 to seven (7) property owners. No comments either for or against the SUP Site Plan were received as of the printing of this packet.

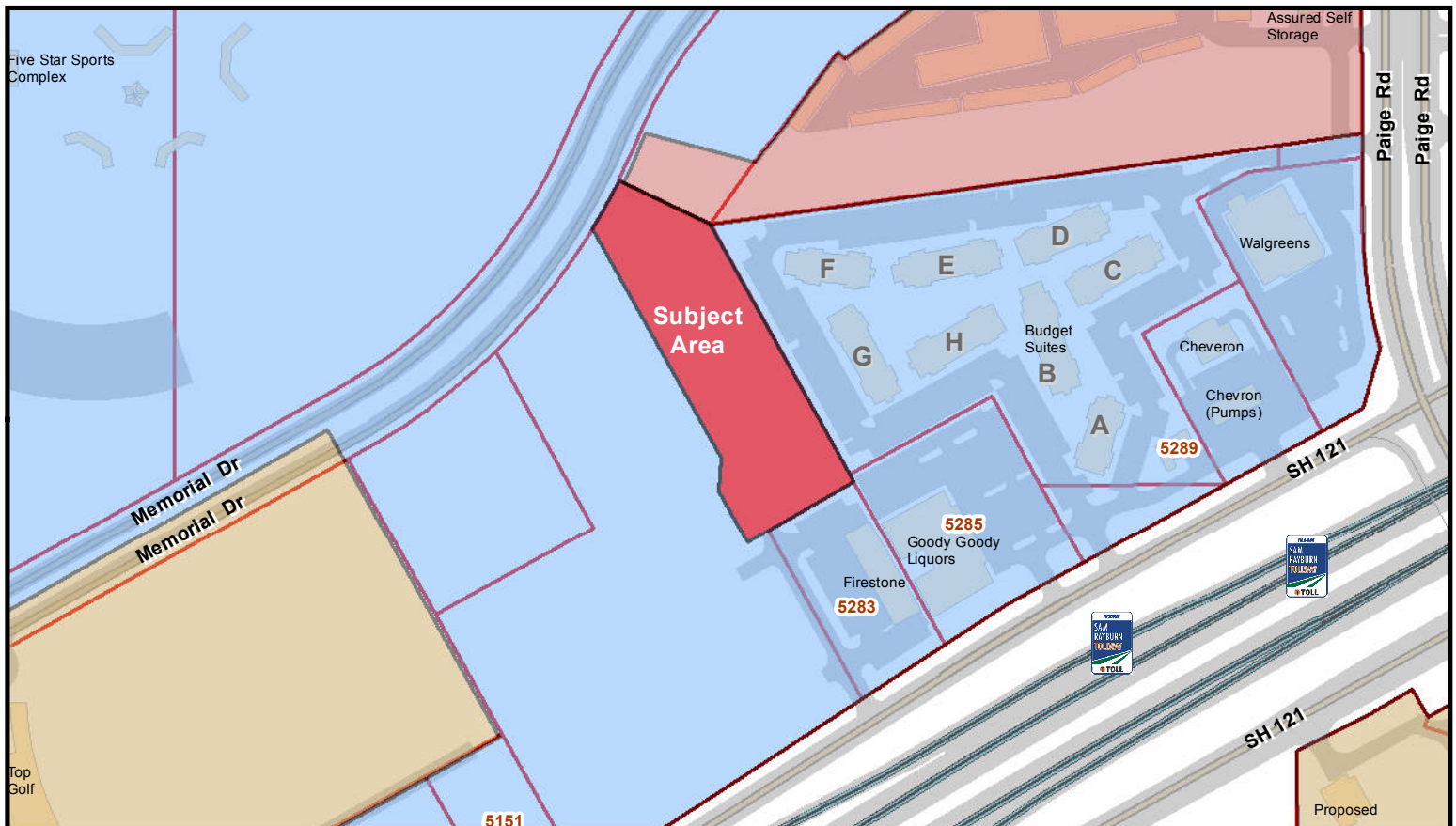
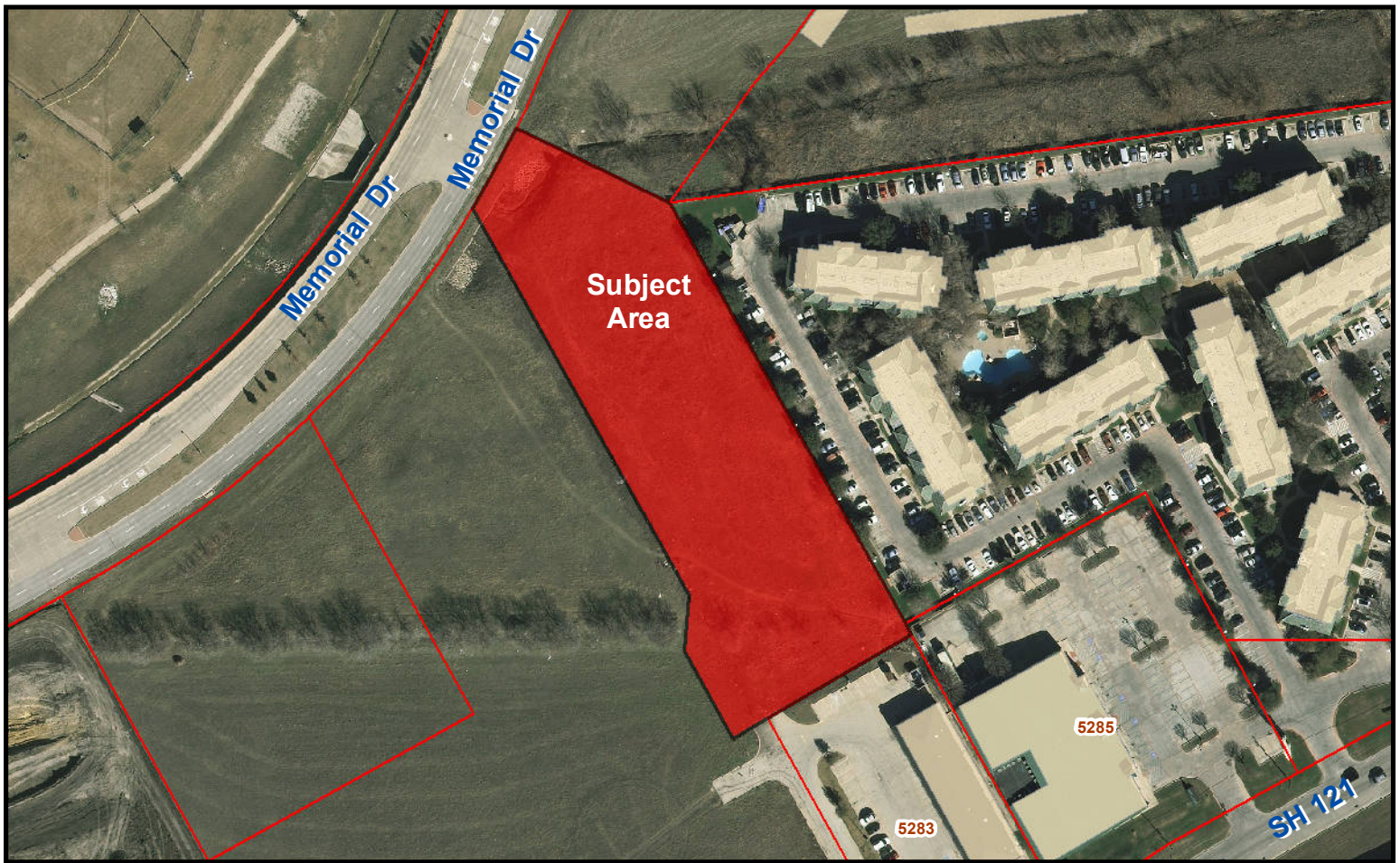
#### Development Review Committee Review

The Development Review Committee finds that the SUP Site Plan meets all applicable requirements of the Zoning Ordinance and therefore recommends approval. The application meets Zoning Ordinance Section 10-905 SUP Approval Criteria as follows:

1. The application meets The Colony Comprehensive Plan
2. The use is compatible with neighboring land uses
3. The Site Plan and landscape plan complies with required set back, circulation, landscaping and parking requirements of the Business Park (BP) zoning.

Further approval of site plan for this project shall be contingent upon approval of a Traffic Study for the whole area.

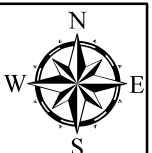




**Project No. SUP15-0002 - Project Name: Service King**

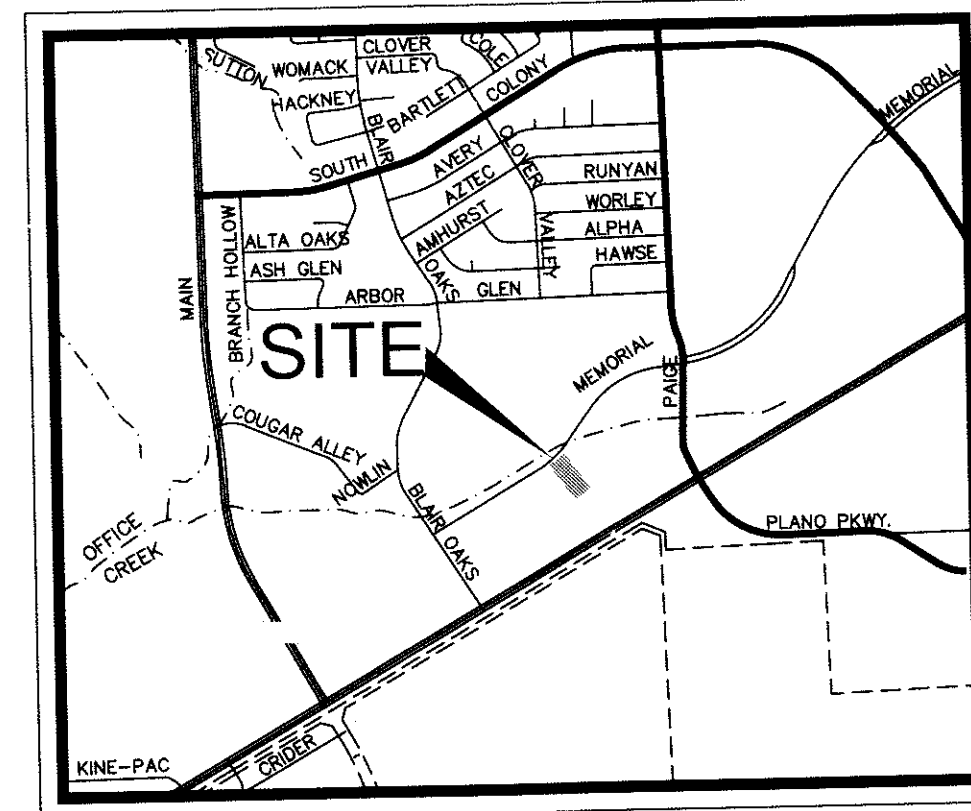
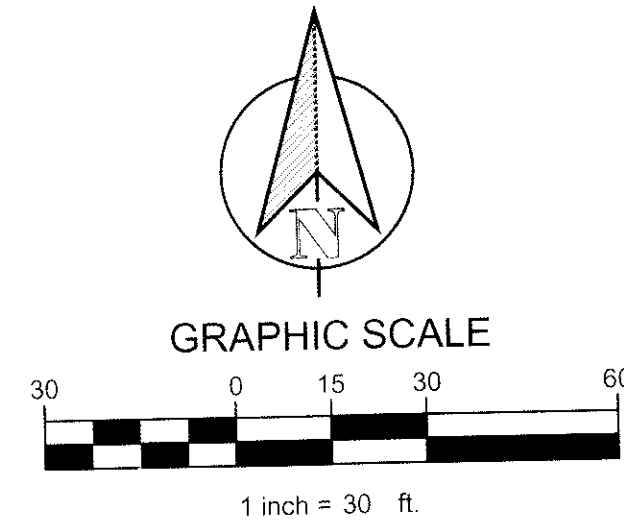
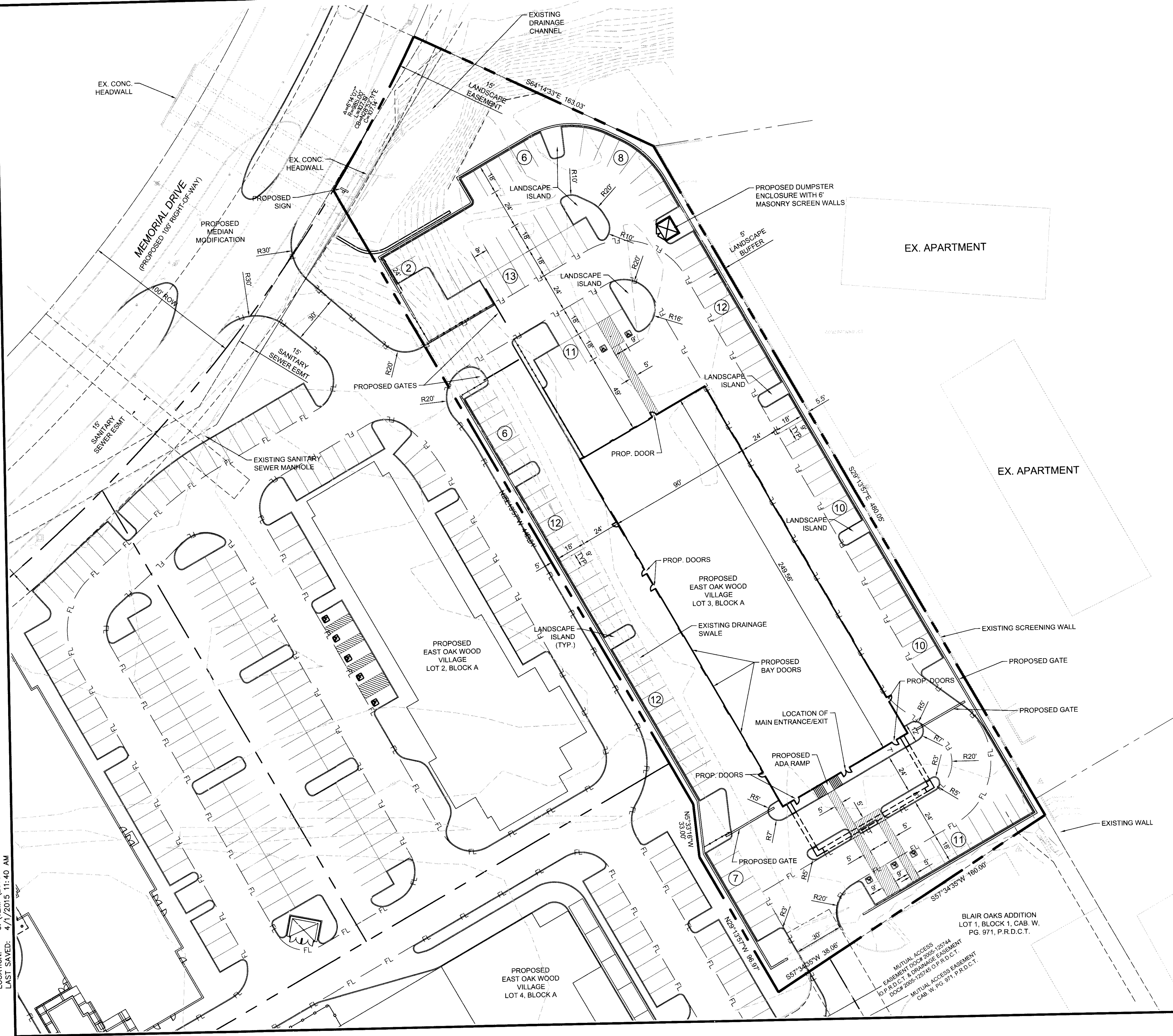
Service King	Business Park/Industrial	Heavy Commercial	Mobile Home	Planned Development	Building Footprints
Agricultural	Duplex Dwelling	Industrial	Neighborhood Service	Shopping Center	
Business Park	General Retail	Light Commercial	Office District 1	Single Family Dwelling	

This map was generated by GIS data provided by The Colony GIS Department. The City of The Colony does not guarantee the correctness or accuracy of any features on this map. These digital products are for illustration purposes only and are not suitable for site-specific decision making.





PLOTTED BY: BOBBY KUBIN  
 PLOT DATE: 4/2/2015 9:30 AM  
 LOCATION: C:\TEMP\2015-030 VICTORY COLONY 121\CADD SHEETS\SUP-1 SITE PLAN SERVICE KING.DWG  
 LAST SAVED: 4/1/2015 11:40 AM



VICINITY MAP  
N.T.S.

- NOTES:**
1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
  2. REFER TO ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS AND EXACT DOOR LOCATIONS.
  3. A FIRE SPRINKLER SYSTEM WILL BE PROVIDED FOR THE PROPOSED BUILDING.

SITE DATA TABLE	
LOT AREA	2.45 AC. (106,711 SF)
CURRENT ZONING	BP - BUSINESS PARK
BUILDING AREA	22,461 SF
BUILDING HEIGHT	1 STORY
FLOOR AREA RATIO (FAR)	0.21
PERVIOUS AREA	21,343 SF
IMPERVIOUS AREA	85,368 SF

PARKING TABLE	
VEHICLE REPAIR	
2 SPACES PER SERVICE BAY + 1 PER EMPLOYEE	
TOTAL PARKING REQUIRED (PER SERVICE KING):	100 SPACES (4 ADA)
TOTAL PARKING PROVIDED:	131 SPACES (5 ADA)

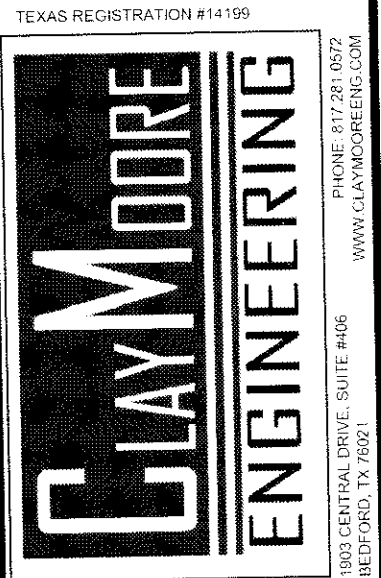
APPLICANT:  
 CLAYMOORE ENGINEERING, INC.  
 1903 CENTRAL DR.  
 SUITE #406  
 BEDFORD, TX 76021  
 PH: 817.281.0572  
 FAX: 817.281.0574  
 CONTACT: MATT MOORE, PE  
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 FAX: 214.545.6905  
 CONTACT: JUSTIN COOLEY

SUBMITTAL DATE: 04/01/2015



**PRELIMINARY**  
 FOR REVIEW ONLY  
 Not for construction purposes.  
 CLAYMOORE ENGINEERING  
 ENGINEERING AND PLANNING  
 CONSULTANTS  
 Engineer: MATT MOORE  
 P.E. No. 95813 Date 04/01/2015

SERVICE KING  
 MEMORIAL DRIVE  
 THE COLONY, TEXAS

SPECIFIC USE PERMIT  
 SITE PLAN

DESIGN:	BJK
DRAWN:	BJK
CHECKED:	MAM
DATE:	04/01/2015
SHEET	
SUP-1	
File No. 2015	

**CITY OF THE COLONY, TEXAS**

**ORDINANCE NO. 2015-\_\_\_\_\_  
SPECIFIC USE PERMIT FOR AN AUTOMOBILE BODY SHOP  
SERVICE KING**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, APPROVING A SPECIFIC USE PERMIT FOR AN AUTOMOBILE BODY SHOP FOR SERVICE, ON A 2.45 ACRE PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF MEMORIAL DRIVE AND APPROXIMATELY 1080 FEET WEST OF PAIGE ROAD, AND APPROXIMATELY 1600 FEET EAST OF BLAIR OAKS DRIVE, THE COLONY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission and the City Council of the City of The Colony, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, have given any requisite notices by publication and otherwise, and have held due public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of The Colony, Texas, is of the opinion and finds that Specific Use Permit Application No. SUP15-0002 for an Automobile Body Shop, Service King generally located on the south side of Memorial Drive approximately 1080 feet west of Paige Road, and approximately 1600 feet east of Blair Oaks Drive is approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS:**

**SECTION 1.** That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2.** That the Comprehensive Zoning Ordinance and Map of the City of The Colony, Texas, duly passed by the governing body of the City of The Colony, Texas, as heretofore amended, be and the same is hereby amended to grant a Special Use Permit to allow a limited service hotel on the approximately 2.45 acres of land, generally located on the south side of Memorial Drive approximately 1080 feet west of Paige Road, and approximately 1600 feet east of Blair Oaks Drive, and addition located within the City of The Colony, Denton County, Texas, and, and being more particularly described in ***Exhibit A*** which is attached hereto and incorporated herein.

**SECTION 3.** That it is hereby declared to be the intention of the City Council of the City of The Colony, Texas, that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.** That any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION 5.** That this Ordinance shall become effective immediately upon its passage.

**DULY PASSED** by the City Council of the City of The Colony, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Joe McCourry, Mayor

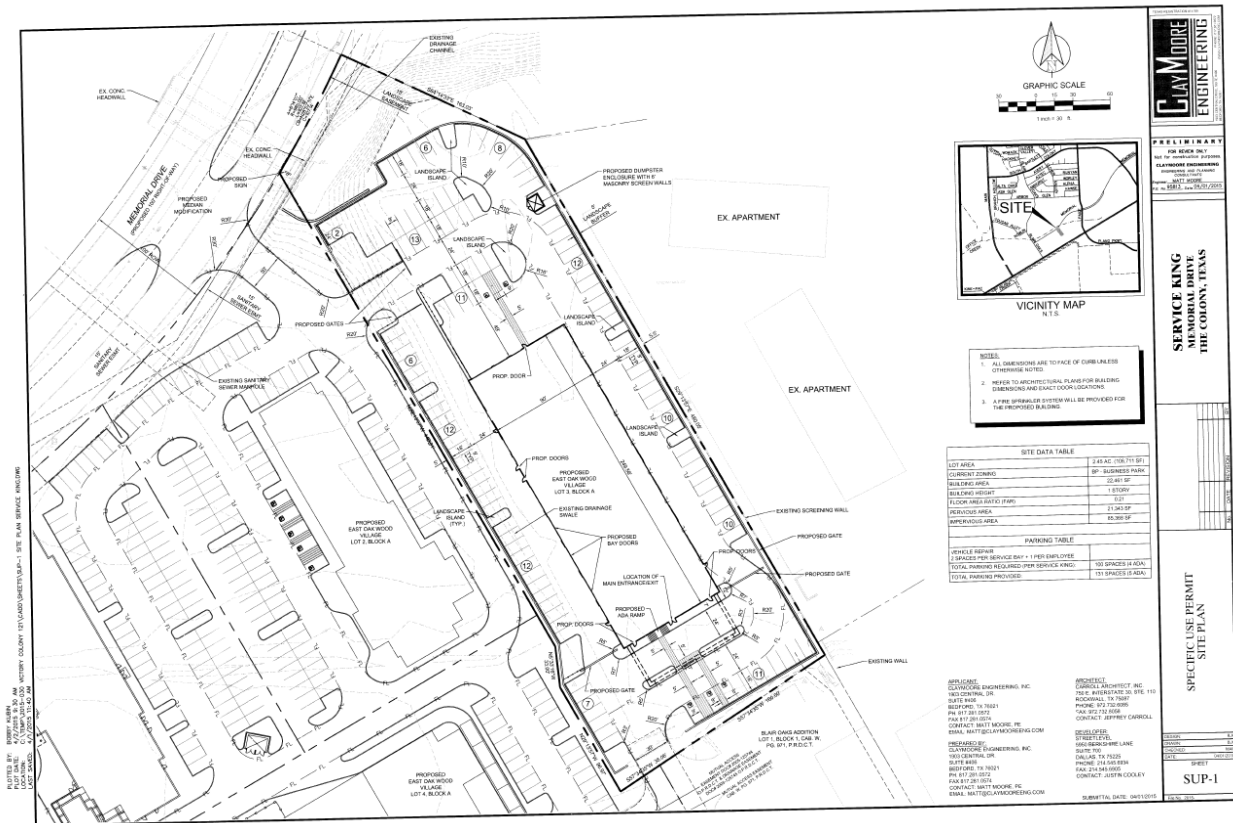
**ATTEST:**

\_\_\_\_\_  
Christie Wilson, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jeff Moore, City Attorney

## 3



## PLANNING AND ZONING COMMISSION REPORT

**AGENDA DATE:** April 14, 2015

**DEPARTMENT:** Engineering/Development Services Department

**PLANNER:** Surupa Sen, Senior Planner, 972-624-3164

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**SUBJECT SUP15-0004, Allegiance Tattoo Parlor**

Conduct a public hearing, discuss and consider making a recommendation to City Council regarding the approval of a Specific Use Permit (SUP) to allow a tattoo parlor as a primary use for Allegiance Tattoos, at 4716 E. Lake Highlands Drive, Suite 110, within a Light Commercial (LC) zoning district.

**OWNER/APPLICANT**

Owner/Developer:	Pat Skinner	The Colony, Texas
Applicant:	Jason Euler	Carrollton, Texas

**EXISTING CONDITION OF PROPERTY**

The property has Skinner Plaza Shopping Center at 4716 E. Lake Highlands Drive.

**PROPOSED DEVELOPMENT**

The applicant is proposing a tattoo parlor at suite 110 of 4716 E Lake Highlands Drive.

**ADJACENT ZONING AND LAND USE**

North - LC – Light Commercial District (Skinner Plaza)  
South - HC – Heavy Commercial District (M&M Mini Storage)  
East- PD-24 – Planned Development District (One Harris Plaza)  
West- LC – Light Commercial District (Skinner Plaza)

**DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW**

The Development Review Committee (DRC) finds the SUP meets the requirements of the Appendix A, Zoning Ordinance and other applicable ordinances of the Code of Ordinances as outlined in the Staff Report. DRC recommends **approval** of the Specific Use Permit request, with the stipulation that the hours of operation be limited to between 9:00 am and 10:00 pm.

**ATTACHMENTS**

1. Staff Analysis
2. Location Map
3. Proposed SUP Ordinance

## **ATTACHMENT 1**

### **Staff Analysis**

#### Summary of Request

On November 1, 2011, City Council incorporated tattoo parlor uses to the Schedule of Uses and allowed the use by Specific Use Permit (SUP) in certain commercial districts. (Ordinance No. 2011-1923). Applicant is requesting for a tattoo business at 4816 E Lake Highlands Drive, Suite 110. The property is zoned Light Commercial (LC) that requires an approved SUP for operating a tattoo parlor.

Section 10-1370 of Zoning Ordinance also restricts Tattoo parlors as follows:

- The location of the tattooing must be at least 1,000 feet from a public school, and
- The location of the tattooing must be at least 1,000 feet from another tattooing business or tattooing as a secondary use within another business.

This location has a previously approved SUP on Suite 101 for G.U.T. GRAF-X Tattoo Parlor. But that location is currently unoccupied. As there is a minimum 1000 foot distance requirement between two tattoo parlors the applicant is requesting the City to revoke the previous SUP (Ordinance No. 2013-1998) and allow a new SUP for the suite no 110 instead. With approval of this SUP ordinance the location shall meet the aforementioned criteria.

#### Existing Condition of Property

The property has Skinner Plaza Shopping Center at 4716 E. Lake Highlands Drive.

#### Platting Status

The property is platted, described as Lot 1-R, Block 3, Garza Lake Estates.

#### Adjacent Zoning/Land Use

North - Business Park (BP), Five Start Sports Complex

South - Business Park (BP), Firestone, Goody Goody Liquor

East - Light Commercial (LC) and Business Park (BP), Assured Storage and Budget Suites

West - Business Park (BP), undeveloped land

#### Land Use Analysis

Zoning Ordinance requires approval of a SUP for Tattoo Parlor uses in the Light Commercial (LC) zoning district.

#### Infrastructure Improvements

No specific public infrastructure improvements are planned for this area.

#### Circulation and Parking

The tattoo parlor is within Skinner Shopping Center that has direct access from Main Street through two driveways and from Lake Highlands Drive through two driveways.

The site has adequate parking for the proposed use. The site was developed according to The Colony Zoning and Subdivision Standards at that time.

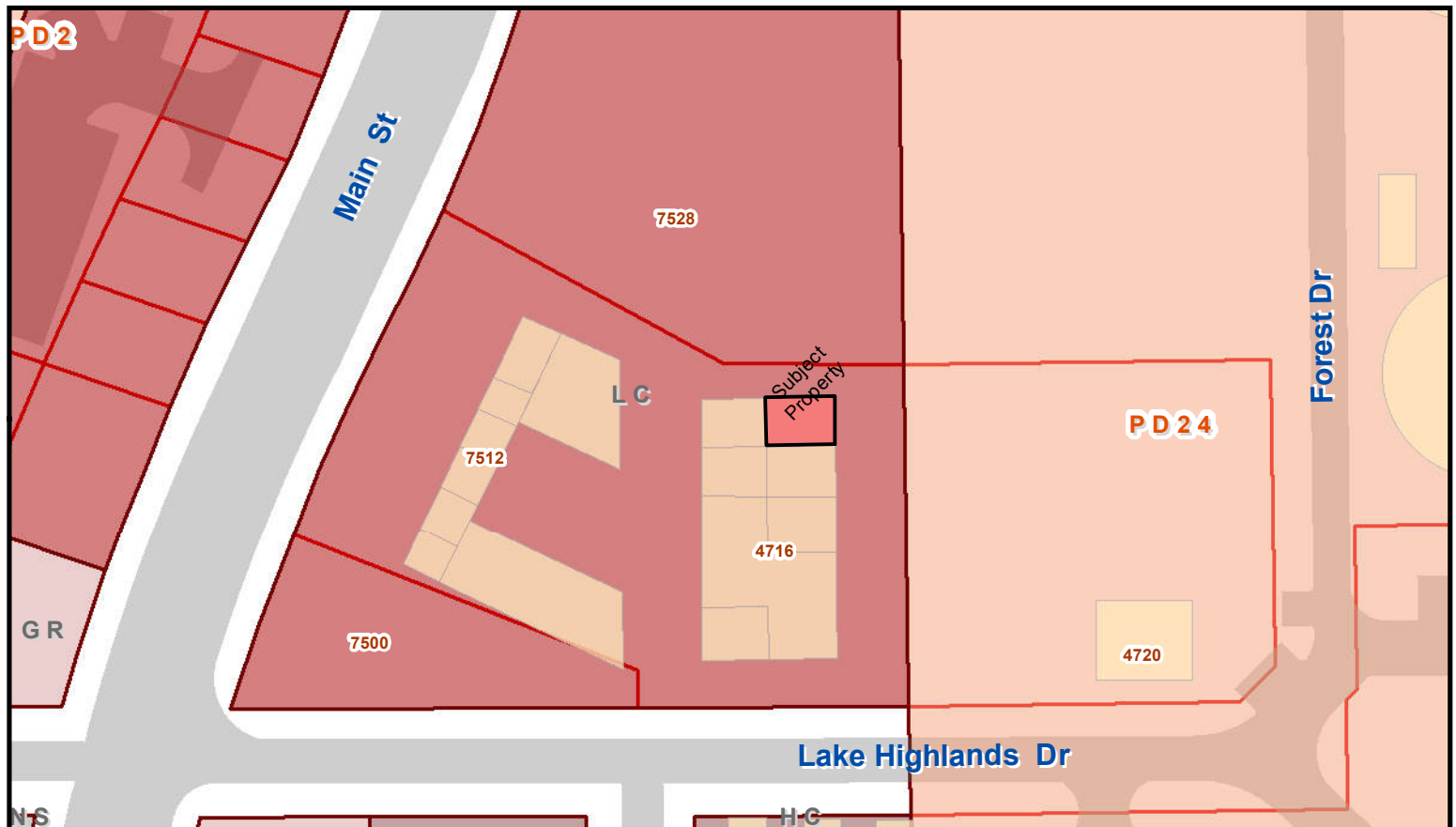
#### Notification

Zoning Ordinance requires newspaper notification a minimum of ten (10) days prior to the Planning and Zoning Commission meeting. Notice for this SUP Public Hearing was published in *The Denton Record* on April 3, 2015. In addition, Zoning Ordinance also requires notification of property owners located within 200 feet of the subject property a minimum of ten (10) days prior to the public hearing. Postcards were mailed on March 30, 2015 to six (6) property owners. No comments either for or against the SUP were received as of the printing of this packet.

#### Development Review Committee Review

The Development Review Committee finds that the SUP Site Plan meets all applicable requirements of the Zoning Ordinance and therefore recommends approval. DRC recommends **approval** of the Specific Use Permit request, with the stipulation that the hours of operation be limited to between 9:00 am and 10:00 pm.





**Project No. SUP15-0004 - Project Name: Allegiance Tattoo**



Building Footprints	Duplex Dwelling	Industrial	Neighborhood Service	Shopping Center
Agricultural	General Retail	Light Commercial	Office District 1	Single Family Dwelling
Business Park	Heavy Commercial	Mobile Home	Planned Development	

This map was generated by GIS data provided by The Colony GIS Department. The City of The Colony does not guarantee the correctness or accuracy of any features on this map. These digital products are for illustration purposes only and are not suitable for site-specific decision making.



**CITY OF THE COLONY, TEXAS**

**ORDINANCE NO. 2015 - \_\_\_\_\_**

**SPECIFIC USE PERMIT**  
**TATTOO USE for Allegiance Tattoo**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, APPROVING A SPECIFIC USE PERMIT ALLOWING TATTOOING USES AT “ALLEGIANCE TATTOO,” GENERALLY LOCATED ON THE NORTH SIDE OF EAST LAKE HIGHLANDS DRIVE, APPROXIMATELY 300 FEET EAST OF MAIN STREET, 4716 EAST LAKE HIGHLANDS DRIVE, SUITE 110; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, an ordinance of the City of The Colony, Texas (“City”), Ordinance No. 2013-1998, was enacted on March 19, 2013, granting a specific use permit to G.U.T. GRAF-X Tattoo, under Specific Use Permit No. SUP 13-0001, allowing tattooing uses at the G.U.T. GRAF-X Tattoo business, located at 4716 East Lake Highlands Drive, Suite 101, The Colony, Texas; and

**WHEREAS**, G.U.T. GRAF-X Tattoo has changed business names to “Allegiance Tattoo,” and desires to re-locate its tattooing business to 4716 East Lake Highlands Drive, Suite 110, The Colony, Texas; and

**WHEREAS**, the zoning ordinance of the City provides that certain uses, because of their nature and location, are required to obtain a specific use permit by amending the City’s zoning ordinance to grant a permit for a specific use in a specific location; and

**WHEREAS**, Allegiance Tattoo has applied for a specific use permit to obtain approval to operate its tattooing business at 4716 East Lake Highlands Drive, Suite 110, The Colony, Texas; and

**WHEREAS**, the location desired in the specific use permit application submitted by Allegiance Tattoo is in a shopping center (SC) zoning district, located more than 1,000 feet from any school and/or another tattooing facility, and the City’s zoning ordinance provides that tattooing uses are allowed in such locations upon approval of a specific use permit; and

**WHEREAS**, the Planning and Zoning Commission of the City of The Colony, Texas (the “Commission”), and the City Council of the City of The Colony, Texas (the “City”), in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, have given any and all requisite notices and have held due public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in this matter; and

**WHEREAS,** the Commission has recommended approval of a specific use permit to Allegiance Tattoo at 4716 East Lake Highlands Drive, Suite 110, The Colony, Texas, finding that such specific use is compatible with adjacent property uses and is consistent with the character of the neighborhood; and

**WHEREAS,** the Commission and the City Council desire to revoke Ordinance No. 2013-1998, Specific Use Permit – Tattoo Use for G.U.T GRAF-X Tattoo, located at 4716 East Lake Highlands Drive, Suite 101, The Colony, Texas; and

**WHEREAS,** the City Council is of the opinion and finds that Ordinance No. 2013-1998, Specific Use Permit No. 13-0001– Tattoo Use for G.U.T. GRAF-X Tattoo, located at 4716 East Lake Highlands Drive, Suite 101, The Colony, Texas, should be revoked, and that Specific Use Permit No. SUP15-0004, allowing tattooing uses at “Allegiance Tattoo,” located at 4716 East Lake Highlands Drive, Suite 110, The Colony, Texas, should be approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THAT:**

**SECTION 1.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2.** The City Council hereby revokes Ordinance No. 2013-1998, Specific Use Permit No. 13-0001– Tattoo Use for G.U.T. GRAF-X Tattoo, located at 4716 East Lake Highlands Drive, Suite 101, The Colony, Texas.

**SECTION 3.** The City Council does hereby find that the specific use requested by Allegiance Tattoo, to locate its tattooing business and perform tattooing uses at 4716 East Lake Highlands Drive, Suite 110, The Colony, Texas, is compatible with adjacent property uses and is consistent with the character of the neighborhood.

**SECTION 4.** The City Council hereby approves Specific Use Permit No. SUP15-0004, to allow tattooing uses at “Allegiance Tattoo,” located at 4716 East Lake Highlands Drive, Suite 110, The Colony, Texas, providing the hours of operation are limited to between 9:00 a.m. and 10:00 p.m.

**SECTION 5.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6.** In addition to the specific revocation of Ordinance No. 2013-1998, any provision of any prior ordinance of the City, whether codified or uncoded, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are

not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION 7.** Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of The Colony, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Every day a violation occurs shall constitute a separate offense.

**SECTION 8.** This Ordinance shall become effective immediately upon its passage and publication in accordance with state law.

**DULY PASSED AND APPROVED** by the City Council of the City of The Colony, Texas, this the 21st day of April, 2015.

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JOE McCOURRY, MAYOR

**ATTEST:**

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Christie Wilson, City Secretary

**APPROVED AS TO FORM:**

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Jeff Moore, City Attorney